

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

STARCOM MEDIAVEST GROUP, INC.,

Plaintiff,

V.

MEDIAVESTW.COM and JOHN DOES 1-5,

Defendants.

CASE NO. 10-CV-04025-LHK

ORDER ON PRELIMINARY INJUNCTION

Hearing Date: September 21, 2010
Time: 3:00 p.m.
Courtroom: 4 (5th Floor)
Judge: Hon. Lucy H. Koh
Action Filed: September 8, 2010

This case is brought pursuant to the *in rem* provisions of the Anticybersquatting Consumer Protection Act (“ACPA”), 15 U.S.C. § 1125(d). Plaintiff Starcom MediaVest Group, Inc. (“SMG”) seeks a Preliminary Injunction against the Registrant of the domain name MEDIATESTW.COM, all parties in concert with the Registrant, and any other parties claiming ownership in the domain name MEDIATESTW.COM. The Court previously found that SMG demonstrated a likelihood of success on the merits of its ACPA claim, and that it was likely to suffer irreparable harm absent preliminary relief. Therefore, the Court issued an *ex parte* Order Granting Temporary Restraining Order and Order to Show Cause Re: Preliminary Injunction on September 13, 2010 (“TRO,” Docket No. 17).

1 The Court hereby incorporates by reference its findings as set forth in the TRO. The Court
 2 now also finds that SMG has been diligent in its attempts to serve the TRO and supporting papers on
 3 the Registrant and various domain name authorities, but has been frustrated in its attempts to reach
 4 the Registrant due to the Registrant's apparent provision of "material and misleading false contact
 5 information," which is evidence of "bad faith" for purposes of the ACPA. 15 U.S.C. § 1125(d). The
 6 Registrant did not file an opposition to the TRO, nor did the Registrant appear at the Order to Show
 7 Cause Re: Preliminary Injunction hearing on September 21, 2010. As such, the Court finds that
 8 good cause exists for entry of a preliminary injunction, pending resolution of this case on the merits.

9 Therefore, **IT IS HEREBY ORDERED THAT:**

10 PENDING entry of final judgment in this case, the Registrant of the domain name
 11 MEDIATESTW.COM, and any and all parties acting in concert with the Registrant, and any other
 12 parties claiming ownership or other protectable interest in the domain name MEDIATESTW.COM
 13 (collectively "Defendants"), and each of their respective officers, agents, servants, employees and
 14 attorneys, and all those in active concert or participation with them ARE HEREBY RESTRAINED
 15 AND ENJOINED from operating or assisting in the use of, or facilitating in any manner the use of,
 16 the domain name MEDIATESTW.COM, for any purpose whatsoever, including without limitation
 17 in connection with the sending or receiving of e-mail, domain name redirection services or the
 18 hosting of a website.

19 PENDING a resolution of the case on the merits, the Court hereby orders VeriSign, Inc., as
 20 the operator of the dot-com (.com) top-level Internet domain, to institute a "registry hold" on the
 21 MEDIATESTW.COM domain, whereby the MEDIATESTW.COM domain will be taken out of the
 22 dot-com zone and any attempt by individuals to use or access the domain, or services made available
 23 via the domain, will be impossible.

24 Because SMG has made such a strong showing of likelihood of success on the merits and
 25 because the Registrant's activities have evinced fraudulent intent and bad faith, the Court shall not
 26 require a bond at this time.

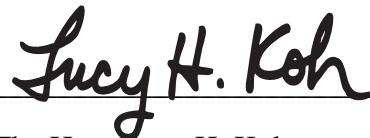
27 This Order shall remain in effect until either (a) a final judgment is entered in this action; or

1 (b) the Court issues an order modifying, amending or vacating this order. In the interim, SMG must
2 make its best efforts to serve this Order and supporting papers on the Registrant of
3 MEDIAVESTW.COM no later than September 22, 2010. In addition, SMG must publish notice of
4 this Action for two weeks in the following newspapers: San Jose Mercury News, San Francisco
5 Chronicle, Chicago Tribune, The Patriot News (in Harrisburg, PA), and the Melbourne Herald Sun
6 (in Melbourne, Australia).

7 **IT IS SO ORDERED.**

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9 Dated: September 21, 2010

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11 By:


Lucy H. Koh

12 The Hon. Lucy H. Koh
13 United States District Judge
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